

PATENT

Docket No.: M4065.073/P073

A/Election
T.DAWKINS
3-31-99

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Donald L. Yates

Serial No.: 09/123,430

Group Art Unit: 2822

Filed: July 28, 1998

Examiner: M. Guerrero

For: METHOD OF REDUCING
SURFACE CONTAMINATION IN
SEMICONDUCTOR WET-
PROCESSING VESSELS

Assistant Commissioner for Patents
Washington, D.C. 20231

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RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed March 17, 1999, Applicant hereby provisionally elects Claims 1-27 and 44 for continued examination, with traverse.

The Examiner has required restriction between: Group I, claims 28-43 and 45-47, drawn to a semiconductor device and Group II, claims 1-27 and 44, drawn to a process of making a semiconductor device apparatus.

The Commissioner may require restriction if two or more independent and distinct inventions are claimed in one application (35 U.S.C. §121). In the present case, although the claimed subject matter may be classified in different classes, the inventions are not independent. The claims of Group I are drawn to an etching bath apparatus while the claims of Group II are drawn to a method for removing contaminants from a processing bath. The Examiner asserts that the inventions set forth in Group I and Group II are "related as a process of making and product made." This is incorrect. The claims of Group I are directed

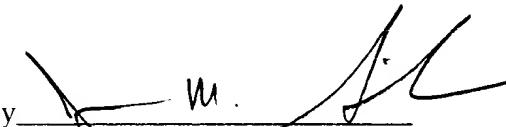
to an etching bath apparatus while the claims of Group II are drawn to methods for removing contaminants from a processing bath. Thus, contrary to the Examiner's assertion, the practice of the process of Group II would not result in the formation of the etching bath apparatus of Group I. Therefore, it is respectfully submitted that the Examiner has not shown that the inventions of Groups I and II are patentably distinct.

In addition, "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." M.P.E.P. §803. Applicant respectfully submit that examination of the Group I claims along with the elected Group II claims should not create a serious burden for the Examiner as both groups require a search for etching baths. A search for the apparatus claims of Group I would overlap the search for the method claims of Group II.

It is respectfully requested that the restriction requirement be withdrawn, and that each of Claims 1-47 presently pending in this application be examined.

Dated: March 26, 1999

Respectfully submitted,

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